



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 2 March 2004

EXPIRATION DATE: 1 April 2004

REFERENCE NUMBER: POA-2004-267

WATERWAY NUMBER: Cholmondeley Sound

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Ms. Karen Hopfer, Environmental Engineer, U.S. Forest Service, Tongass National Forest, P.O. Box 309, Petersburg, Alaska 99833. Telephone (907) 772-5859, FAX (907) 772-5895

LOCATION: Sunny Point, Section 29, T 76 S., R. 87 E., Copper River Meridian, Latitude 55° 14' 55" N., Longitude 132° 13' 46" W., in Tongass National Forest on Cholmondeley Sound on Prince of Wales Island.

WORK: Place 5,841 cubic yards (cy) of clean shot rock and 1,089 cy of rip rap into 0.62 acres of waters of the US to develop a 17% gradient low angle ramp, Upland working area, 200-foot float access road, and terminal bulkhead. A 500' X 800' (9.18 acres) area in the sound is to become a log raft make up area.

PURPOSE: Develop a marine access and log transfer facility to provide transportation for the Sunny Creek portion of the Cholmondeley Timber Sale.

ADDITIONAL INFORMATION: The *Cholmondeley Timber Sales Final Environmental Impact Statement* and *Cholmondeley Timber Sales Record of Decision #1* were completed for this project in April 2003.

MITIGATION: As a result of early project planning, the applicant has incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment: Minimization of impact to wetlands by site selection process and use of Best Management Practices (BMPs) to minimize erosion and sedimentation at the LTF sites.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant

to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The US Forest Service submitted a Heritage Resources Report for the Chomondeley Project Area to the State Historic Preservation Office (SHPO) on April 8, 2001 for consultation (Page 142-144 of Final EIS). They received no response within the 30-day review and comment period, which is considered concurrence under the National Historic Preservation Act. This application is being coordinated with the SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: A Biological Assessment and Biological Evaluation (BA/BE) was completed for this project as required by Section 7 of the Endangered species Act. It listed seven Endangered and Threatened Species (Humpback whale, Steller sea lion, Snake River sockeye salmon, Snake River Chinook salmon, and American peregrine falcon) and 15 Alaska Regional Sensitive species found in or near the project area (Appendix D, Final EIS).

Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844) with the implementation of mitigation measures listed in Appendix C or the final EIS. This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

The Corps agrees with the findings of the Final EIS, which determined that the described activity might adversely affect EFH. The proposed work may affect approximately 42.7 acres of EFH for juvenile/adult salmon and groundfish. This

Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work. This proposed project may also adversely affect associated species such as major prey or predator species which are not covered by Fishery Management Plans.

The applicant plans to mitigate the impact on EFH by constructing LTFs in areas of low marine sea floor diversity with good flushing action. Forest Plan Standards and Guidelines will be followed, along with Environmental Protection Agency Guidelines.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact **Mr. Dennis A. Stone** at (907) 753-2720, toll free from within Alaska at (800) 478-2712, or by email at dennis.a.stone@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States -
Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States -
Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest
review will consider the guidelines set forth under Section 404(b) of the Clean
Water Act (40 CFR 230).

() Transport dredged material for the purpose of dumping it into ocean waters -
Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C.
1413). Therefore, our public interest review will consider the criteria
established under authority of Section 102(a) of the Marine Protection, Research
and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

A plan, Notice of Application for Certification of Consistency with the Alaska
Coastal Management Program, and Notice of Application for State Water Quality
Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
302 GOLD STREET, SUITE 202
JUNEAU, ALASKA 99801-1127
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2004-267, Cholmondeley Sound**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER
401 Certification Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

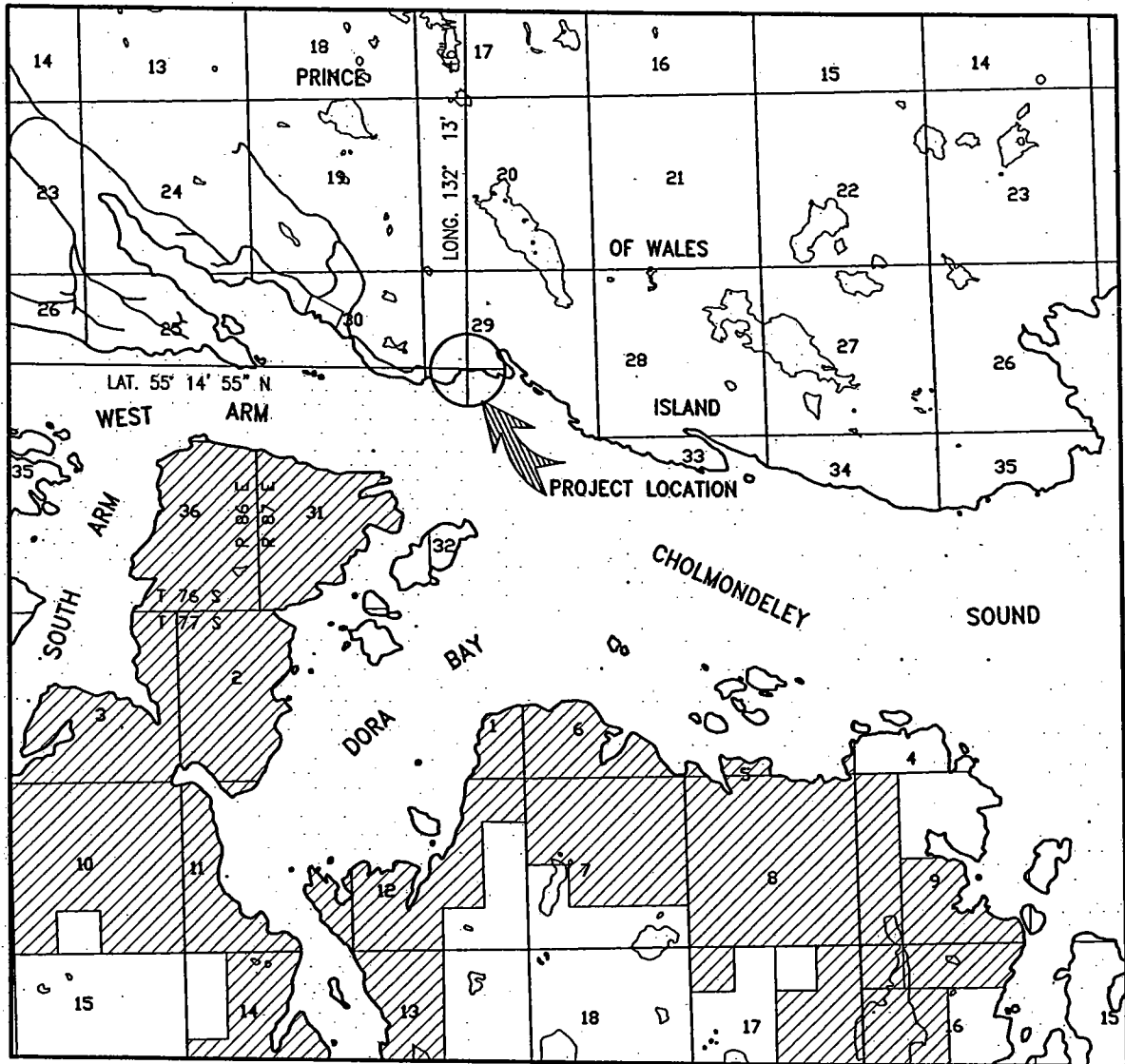
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2004-267, Cholmondeley Sound**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274



VICINITY MAP: From USGS QUAD, CRAIG A-1

SCALE, IN MILES



PART OF TOWNSHIPS T 76 S AND T 77 S,
RANGES R 86 E AND R 87 E, C.R.M.

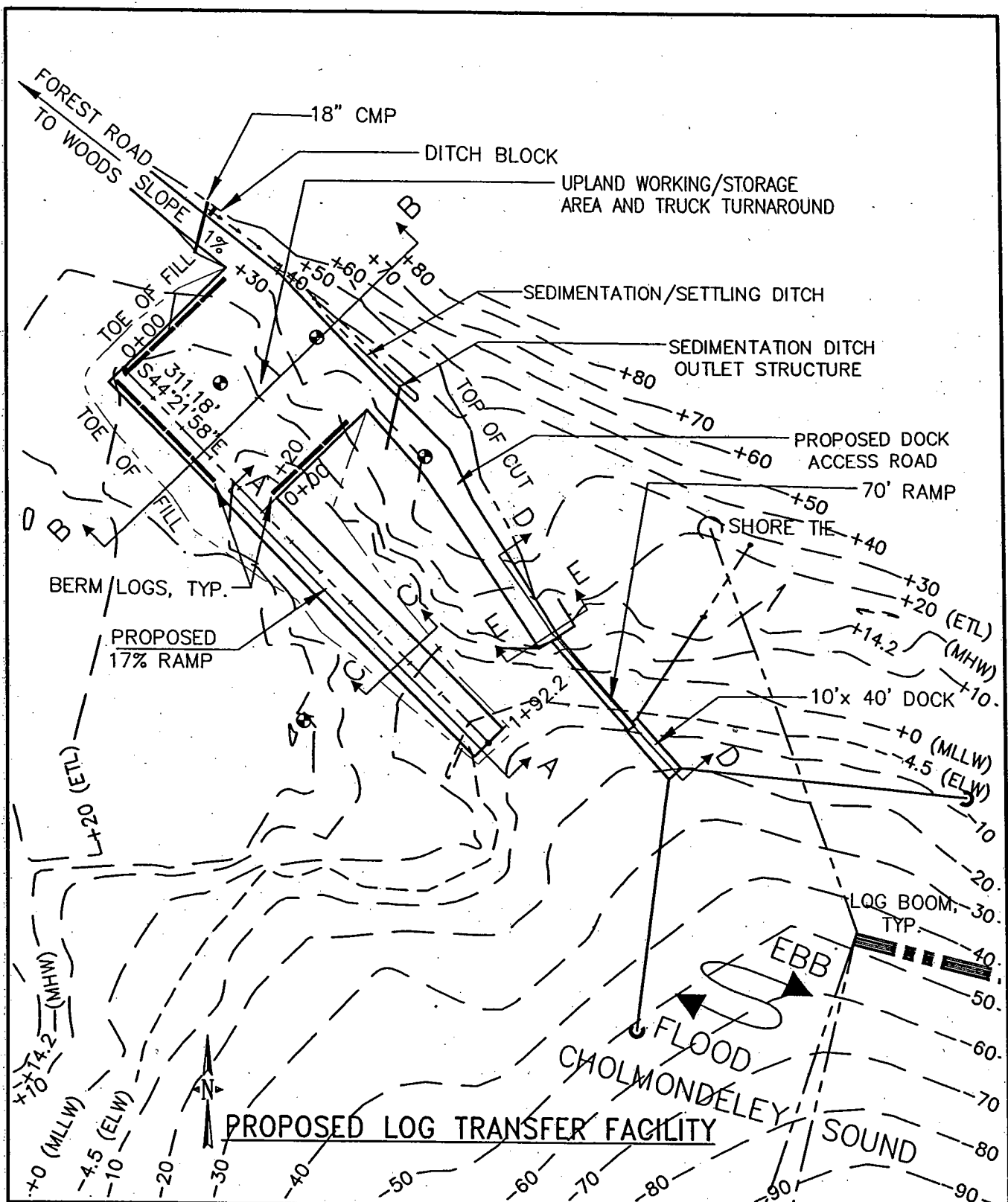
LEGEND

- PAVED ROADS
- AGGREGATE SURFACE ROADS
- TRAILS
- STATE & PRIVATE LAND HOLDINGS
- LANDS MANAGED BY US FOREST SERVICE
- EXISTING LOG TRANSFER FACILITY
- FOREST SERVICE ROAD NUMBER

DATE PREPARED: 05-28-2003	APPLICANT'S NAME: M. Parker USDA Forest Service
SUNNY POINT LOG TRANSFER FACILITY	
DEPARTMENT OF THE ARMY PERMIT	
SEC. 29, WITHIN T. 76 S., R. 87 E., CRM	
SHEET 1 OF 8	

DRAWN BY: K. ELMORE
DATE: 5/28/2003

POA-2004-267
Chelmondeley Sound



PURPOSE:
CONTAINMENT OF LOGS
TRANSFERRED TO WATER
AND LOG RAFT MAKE-UP

LTF SITE PLAN



DRAWN BY: K. ELMORE
DATE: 6/30/2003

DATE PREPARED:
06-30-2003

APPLICANT'S NAME: M. Parker
USDA Forest Service

SUNNY POINT LOG TRANSFER FACILITY

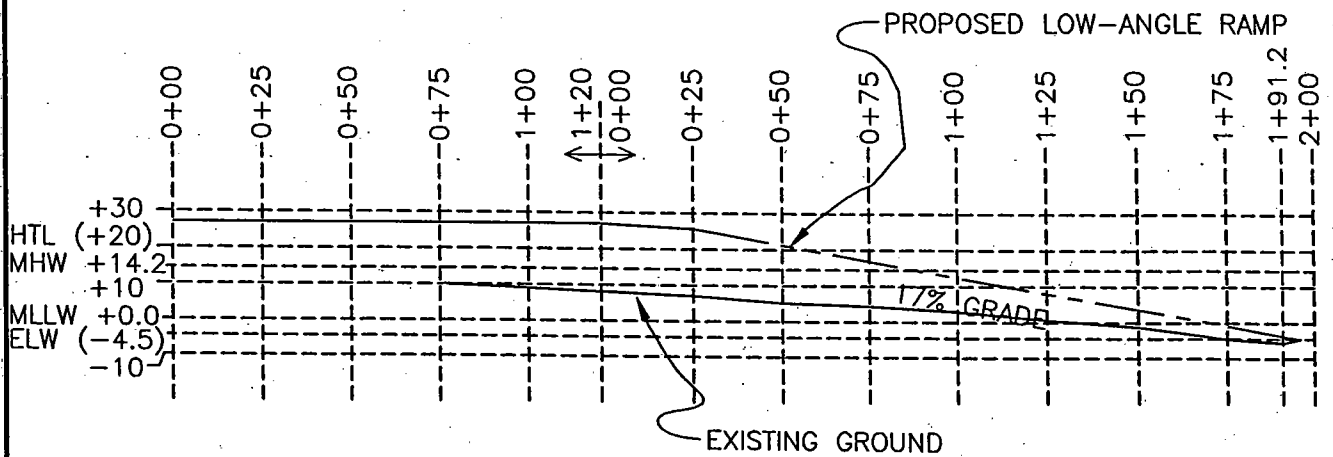
DEPARTMENT OF THE ARMY PERMIT

SEC. 29, WITHIN T. 76 S., R. 87 E., CRM

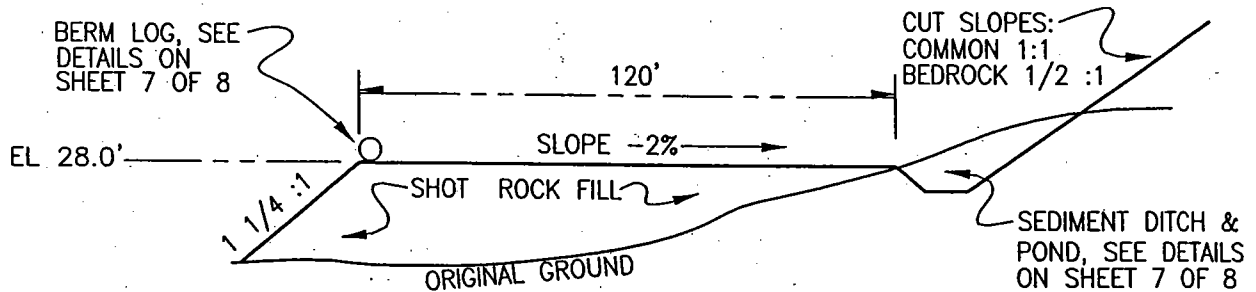
SHEET 3 OF 8

POA-2004-267

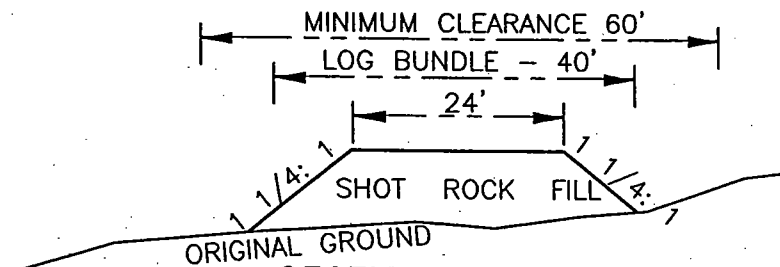
Cholmondeley Sound



SECTION A - A PROPOSED LOW ANGLE RAMP



SECTION B - B LTF TYPICAL CROSS SECTION NO SCALE

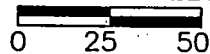


SECTION C - C TYPICAL RAMP CROSS SECTION NO SCALE

PURPOSE:
CONTAINMENT OF LOGS
TRANSFERRED TO WATER
AND LOG RAFT MAKE-UP

LTF TYPICAL SECTIONS

SCALE IN FEET



DRAWN BY: K. ELMORE
DATE: 6/30/2003

DATE PREPARED:
06-30-2003

APPLICANT'S NAME: M. Parker
USDA Forest Service

SUNNY POINT LOG TRANSFER FACILITY

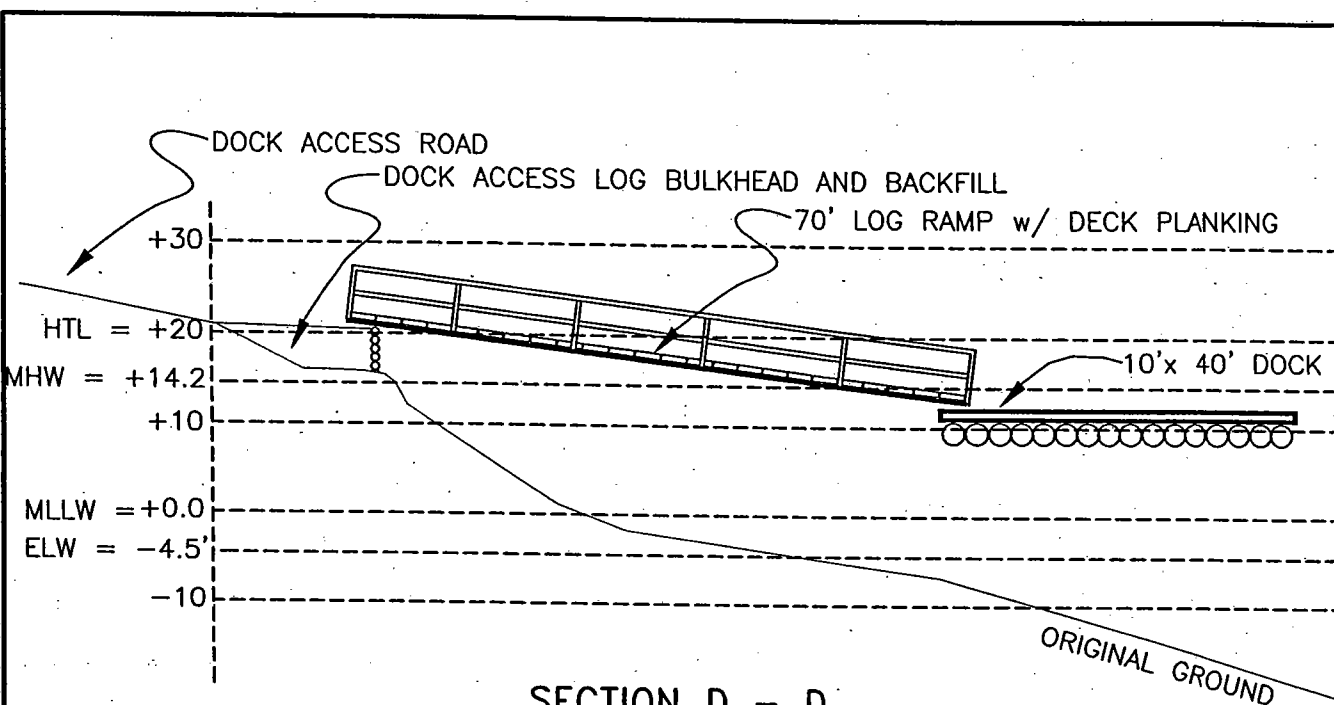
DEPARTMENT OF THE ARMY PERMIT

SEC. 29, WITHIN T. 76 S., R. 87 E., CRM

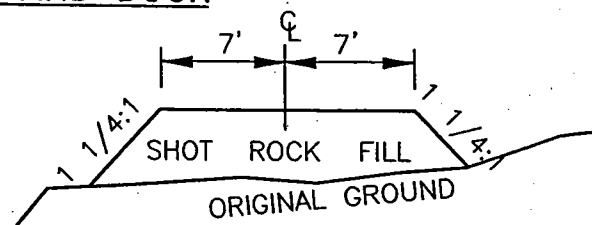
SHEET 4 OF 8

POA-2004-267

Cholmondeley Sound



SECTION D - D RAMP AND DOCK



SECTION E - E PROPOSED DOCK ACCESS ROAD

NO SCALE

INTERTIDAL/SUBTIDAL IMPACTS:

BELOW MHW:

1. PLACE 2,681 C.Y. TO CONSTRUCT 61' X 195' OVERALL DIMENSION 17% SLOPE SHOT-ROCK FILL RAMP WITH 24' BY 190' DRIVING SURFACE, AND 165' BY 125' OVERALL DIMENSION (120' BY 100' DRIVING SURFACE) UPLAND TRUCK OFFLOAD/TURNAROUND PAD.
2. PLACE 561 C.Y. CLASS 6 RIPRAP SLOPE PROTECTION FOR RAMP AND TRUCK PAD.
3. AREA OF IMPACT BELOW MHW IS 19,850 S.F., OR 0.46 ACRES.

BETWEEN MHW AND HTL:

1. PLACE 2,964 C.Y. CLEAN SHOT ROCK FILL MATERIAL TO CONSTRUCT THE LOW ANGLE RAMP AND UPLAND TRUCK OFFLOAD/TURNAROUND PAD. PLACE 196 C.Y. TO CONSTRUCT 40' BY 35', 6' HIGH NATIVE LOG TERMINAL BULKHEAD AND FILL FOR FLOAT DOCK ABUTMENT.
2. PLACE 528 C.Y. CLASS 6 RIPRAP SLOPE PROTECTION FOR RAMP AND TRUCK PAD.
3. AREA OF IMPACT BETWEEN MHW AND HTL IS 7,339 S.F., OR 0.16 ACRES.

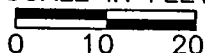
BELOW MHW:

1. PLACE 3,064 C.Y. CLEAN SHOT-ROCK FILL MATERIAL TO CONSTRUCT RAMP, FLOAT ACCESS ROAD, AND UPLAND TRUCK OFFLOAD/TURNAROUND PAD.
2. EXCAVATE 5,200 CUBIC YARDS FOR RAMP AND TRUCK PAD.
3. AREA OF IMPACT BELOW MHW IS 23,002 S.F., OR 0.53 ACRES.

PURPOSE:
CONTAINMENT OF LOGS
TRANSFERRED TO WATER
AND LOG RAFT MAKE-UP

DOCK & ROAD SECTIONS

SCALE IN FEET



DRAWN BY: K. ELMORE
DATE: 6/30/2003

DATE PREPARED:
06-30-2003

APPLICANT'S NAME: M. Parker
USDA Forest Service

SUNNY POINT LOG TRANSFER FACILITY

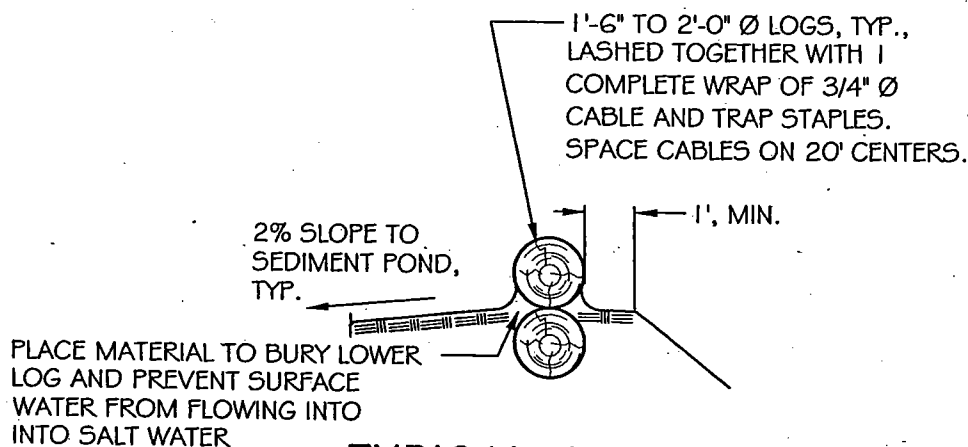
DEPARTMENT OF THE ARMY PERMIT

SEC. 29, WITHIN T. 76 S., R. 87 E., CRM

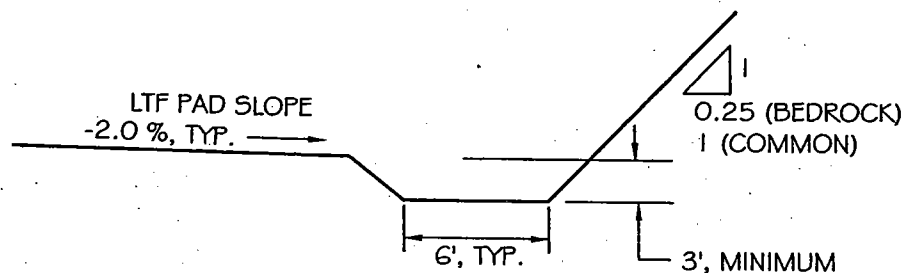
1 SHEET 5 OF 8

POA-2004-267

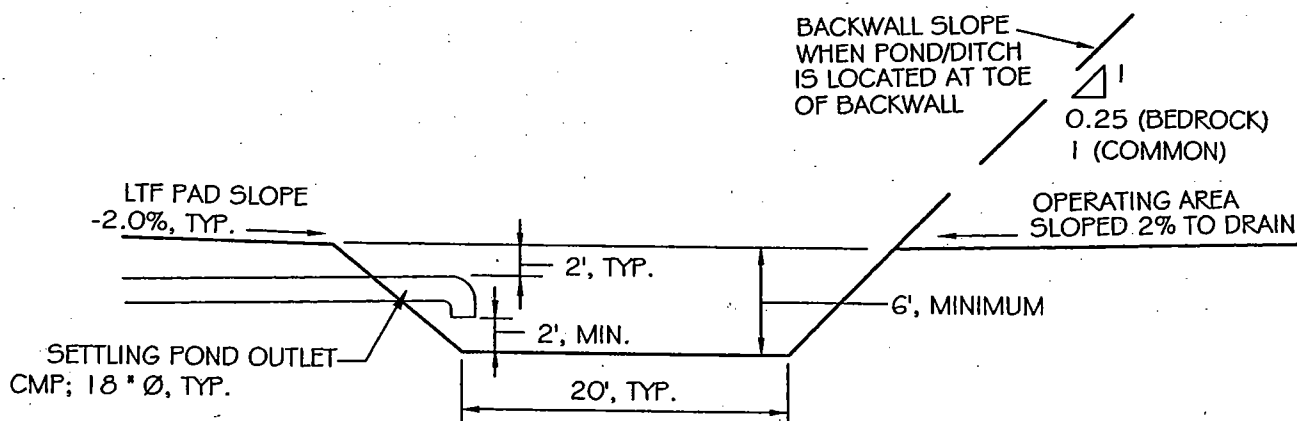
Chalmers Sound



TYPICAL LOG BERM



SETTLING DITCH TYPICAL SECTION



TYPICAL SETTLING POND

PURPOSE:

**CONTAINMENT OF LOGS
TRANSFERRED TO WATER
AND LOG RAFT MAKE-UP**

**DRAINAGE
STRUCTURES
TYPICAL DETAILS**

NO SCALE

DRAWN BY: K. ELMORE

DATE PREPARED:
06-19-2003

APPLICANT'S NAME: M. Parker
USDA Forest Service

SUNNY POINT LOG TRANSFER FACILITY

DEPARTMENT OF THE ARMY PERMIT

SEC. 29, WITHIN T. 76 S., R. 87 E., CRM

SHEET 6 OF 8

POA-2004-267
Cholmondeley Sound

ATTACH PLANK DECKING
TO FLOAT LOGS WITH 60d
SPIKES, TYP.

2" OR 3" ROUGH-CUT
PLANK DECKING

BROW LOG, TYP.

ATTACH FLOAT LOG TO
BROW LOGS WITH 2 FULL
WRAPS OF 3/4" Ø CABLE
AND 3/8" X 4" MIN. LENGTH
STAPLES, TYP.

FLOAT LOGS, TYP.

TYPICAL LOG FLOAT

LENGTH AND WIDTH OF LOG
FLOAT VARIES FROM SITE TO
SITE AND ARE SHOWN ON THE
LTF SITE PLAN

PURPOSE:

CONTAINMENT OF LOGS
TRANSFERRED TO WATER
AND LOG RAFT MAKE-UP

STANDARD
LOG FLOATS
TYPICAL DETAILS

NO SCALE
DRAWN BY: K. ELMORE

DATE PREPARED:
06-19-2003

APPLICANT'S NAME: M. Parker
USDA Forest Service

SUNNY POINT LOG TRANSFER FACILITY

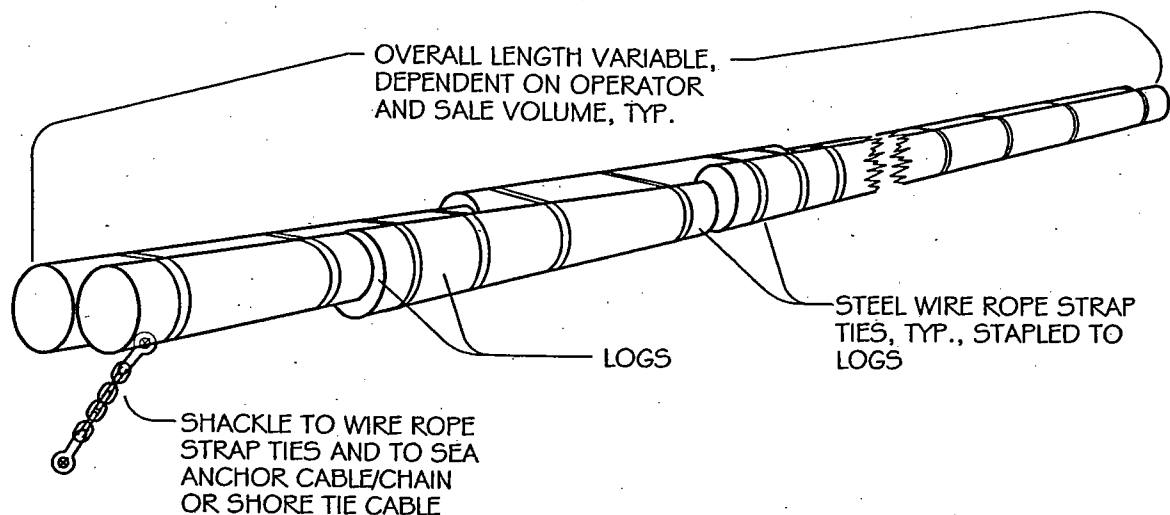
DEPARTMENT OF THE ARMY PERMIT

SEC. 29, WITHIN T. 76 S., R. 87 E., CRM

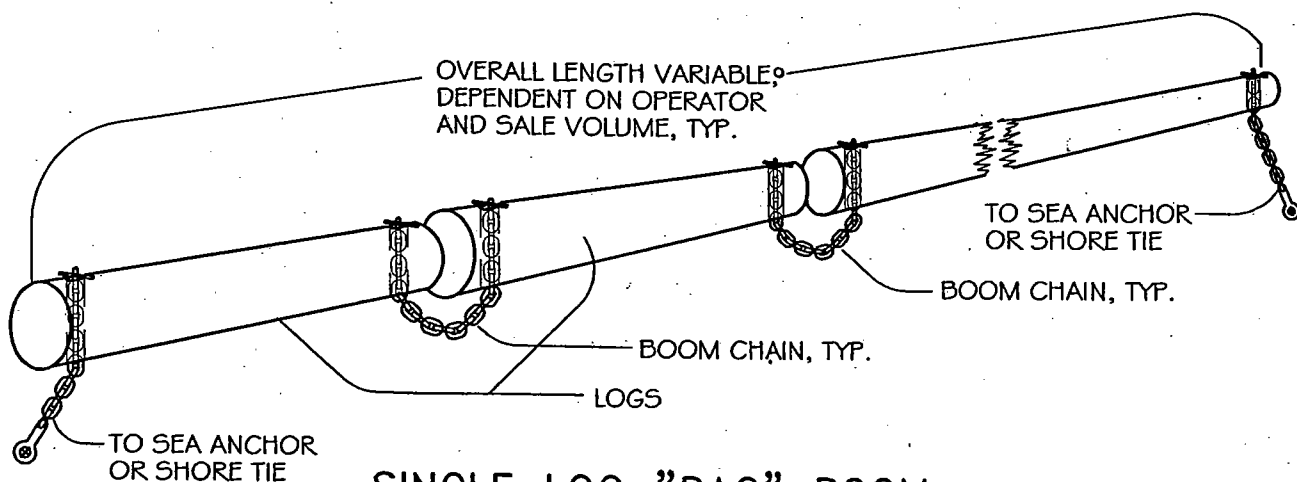
POA-2004-267

Cholmondeley Sound

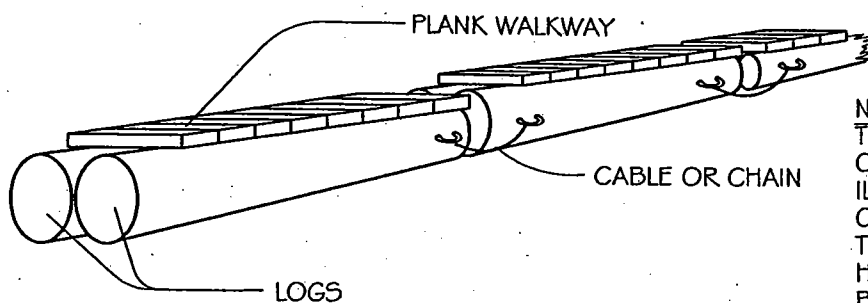
SHEET 7 OF 8



DOUBLE LOG STANDING BOOM



SINGLE LOG "BAG" BOOM



DOUBLE LOG STIFFLEG

NOTE:
TIMBER OPERATORS MAY USE ANY OR ALL OF THE TYPICAL BOOMS ILLUSTRATED, DEPENDENT ON THE OPERATOR'S EQUIPMENT AND/OR THE VOLUME OF TIMBER BEING HARVESTED. ALL THREE OF THE BOOMS ILLUSTRATED MAY BE TIED TO SHORE WITH WIRE ROPE OR CONNECTED TO SEA ANCHORS.

PURPOSE:
CONTAINMENT OF LOGS
TRANSFERRED TO WATER
AND LOG RAFT MAKE-UP

STANDARD
LOG BOOMS
TYPICAL DETAILS

NO SCALE
DRAWN BY: K. ELMORE

DATE PREPARED:
06-19-2003

APPLICANT'S NAME: M. Parker
USDA Forest Service

SUNNY POINT LOG TRANSFER FACILITY

DEPARTMENT OF THE ARMY PERMIT

SEC. 29, WITHIN T. 76 S., R. 87 E., CRM

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SHEET 8 OF 8

Cholmondeley Sound